

1 DANIEL G. BOGDEN  
United States Attorney  
2 District of Nevada  
Nevada Bar No. 2137  
3 MICHAEL A. HUMPHREYS  
Assistant United States Attorney  
4 United States Attorney's Office  
333 Las Vegas Boulevard South, Suite 5000  
5 Las Vegas, Nevada 89101  
Telephone: 702-388-6336  
6 Facsimile: 702-388-6787  
Email: *michael.humphreys@usdoj.gov*  
7 Attorneys for the United States

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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA, )  
14 Plaintiff, )  
15 v. ) 2:13-CR-149-KJD-(CWH)  
16 RODRIGUEZ MADDEN, )  
17 Defendant. )

18 **MOTION TO STRIKE THE PRELIMINARY ORDER OF FORFEITURE (ECF NO. 85)**  
19 **FROM THE JUDGMENT IN A CRIMINAL CASE (ECF NO. 138)**  
20 **WITH RESPECT TO RODRIGUEZ MADDEN ONLY**

21 The United States of America ("United States"), by and through Daniel G. Bogden, United States  
22 Attorney for the District of Nevada, and Michael A. Humphreys, Assistant United States Attorney,  
23 respectfully moves this Court to strike the Preliminary Order of Forfeiture (ECF NO. 85) from the  
Judgment in a Criminal Case (ECF No. 138) entered on September 11, 2014.

24 This Government motion to strike the Preliminary Order of Forfeiture from the Judgment in a  
25 Criminal Case pertains to Rodriguez Madden ONLY and has no legal bearing or effect on co-  
26 defendants Derrick Young and Thomas Lewis.

1 This motion is made and is based on the pleadings and papers on file herein and the attached  
2 Memorandum of Points and Authorities.

3 DATED this 22nd day of September, 2014.

4 Respectfully submitted,

5 DANIEL G. BOGDEN  
6 United States Attorney

7 /s/Michael A. Humphreys  
8 MICHAEL A. HUMPHREYS  
9 Assistant United States Attorney  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. STATEMENT OF THE FACTS**

On September 11, 2014, the Court entered a Judgment in Criminal Case (ECF No. 138) with the Preliminary Order of Forfeiture (ECF No. 85) attached.

**II. ARGUMENT**

After an internal review by the United States Attorney's Office, it was determined that forfeiture, as to Rodriguez Madden ONLY, is no longer appropriate in this case.

This Government motion to strike the Preliminary Order of Forfeiture from the Judgment in a Criminal Case pertains to Rodriguez Madden ONLY and has no legal bearing or effect on co-defendants Derrick Young and Thomas Lewis.

**III. CONCLUSION**

Based on the foregoing, this Court should strike the Preliminary Order of Forfeiture (ECF No. 85) from the Judgment in a Criminal Case (ECF No. 138) entered on September 11, 2014.

DATED this 22nd day of September, 2014.

Respectfully submitted,

DANIEL G. BOGDEN  
United States Attorney

/s/Michael A. Humphreys  
MICHAEL A. HUMPHREYS  
Assistant United States Attorney

IT IS SO ORDERED:

  
Sept 23, 2014  
UNITED STATES DISTRICT JUDGE